

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MICHIGAN
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NOTICE OF AMENDMENTS TO LOCAL RULES

On June 7, 2010, the Judges of the United States District Court for the Eastern District of Michigan approved amendments to the following local rules, effective July 1, 2010:

- LR 3.1, Civil Case Cover Sheet
- LR 9.1, Special Rules of Pleading
- LR 16.1, Pretrial Conferences
- LR 83.11, Assignment and Reassignment of Civil Cases to Judges
- LR 83.50, Bankruptcy Cases and Proceedings

Pursuant to Fed. R. Civ. P. 83, proposed amendments to these LRs were previously published for comment.

LR 3.1 Civil Case Cover Sheet

- (a) A person filing a complaint or other document initiating a civil action must—
- (1) when filing electronically, provide the information normally entered on the civil case cover sheet, or
 - (2) when not filing electronically, complete and file a civil case cover sheet.
- (b) The clerk will accept for filing an initiating document without a civil case cover sheet and may enlist the cooperation of counsel or a pro se party in completing the civil case cover sheet.

COMMENT: The civil case cover sheet is available at the clerk's office and the court's web site.

LR 9.1 Special Rules of Pleading

(a) Notation of "Jury Demand" in the Pleading. If a party demands a jury trial by including it in a pleading, as permitted by Fed. R. Civ. P. 38(b)(1), the party must place a notation on the front page of the pleading, to the right of the caption, stating "Demand For Jury Trial" or the equivalent.

(b) Procedure for Notification of Any Claim of Unconstitutionality. In any

action, suit or proceeding in which the United States or any agency, officer, or employee thereof is not a party and in which the constitutionality of an Act of Congress affecting the public interest is drawn in question, or in any action, suit or proceeding in which a State or any agency, officer, or employee thereof is not a party, and in which the constitutionality under the Constitution of the United States of any statute of that State affecting the public interest is drawn in question, the party raising the constitutional issue shall notify the Court of the existence of the question by stating on the paper that alleges the unconstitutionality, to the right of the caption, "Claim of Unconstitutionality" or the equivalent.

~~COMMENT: At its meeting on November 1, 2004, the Court voted to abrogate the provision of the LR which required that social security numbers be set forth in the complaint. Under the E-Government Act of 2002, if an individual's social security number must be included in a paper, only the last four digits of that number may be used (i.e., xxx-xx-1234). Administrative Order 04-AO-028, filed on July 7, 2004, suspended that provision effective immediately "until such time as the notice requirements of Fed.R.Civ.P. 83(a)(1) have been fulfilled."~~

LR 16.1 Pretrial Conferences

(c) Each represented party must be represented in the pretrial conference by at least one attorney who will participate actively in the trial of the action, and who has information and authority adequate for responsible and effective participation for all purposes, including settlement. At settlement conferences, all parties must be present, including, in the case of a party represented by an insurer, a claim representative with authority adequate for responsible and effective participation in the conference.

(f) If a timely-filed dispositive motion remains pending on the seventh day before the date for submitting the final pretrial order, that date will be postponed and rescheduled to a date no earlier than 7 days after the date of decision on the motion, unless the court orders otherwise. The court will also reschedule the final pretrial conference and the trial date accordingly. For purposes of this rule, "dispositive motion" means a motion for judgment on the pleadings, for summary judgment, to certify or decertify a class, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action, including such a motion directed to fewer than all claims, issues, or parties.

LR 83.11 Assignment and Reassignment of Civil Cases to Judges

(b) Reassignment of Civil Cases.

* * *

(7) Companion Cases.

(A) Companion cases are cases in which it appears that:

- (i) substantially similar evidence will be offered at trial, or
- (ii) the same or related parties are present and the cases arise out of the same transaction or occurrence.

(B) Cases may be companion cases even though one of them has been terminated.

(C) Counsel or a party without counsel must bring companion cases to the court's attention by responding to the questions on the civil case cover sheet or in the electronic filing system.

(c) Refiled, Dismissed, and Remanded Civil Cases.

(1) If an action is filed or removed to this court and assigned to a judge and then is discontinued, dismissed, or remanded to a state court and later refiled, it shall be assigned to the same judge who received the initial case assignment without regard for the place of holding court where the case was refiled. Counsel or a party without counsel must bring such cases to the court's attention by responding to the questions on the civil case cover sheet or in the electronic filing system.

COMMENT: ***

The civil case cover sheet referred to in (b)(7)(C) and (c)(1) is available at the clerk's office and the court's web site.

LR 83.50 Bankruptcy Cases and Proceedings

(e) Submitting Papers, Records or Files to the District Court; Assigning District Judges

(3) Subject to (4), below, the district clerk will assign a civil case number to each matter submitted. The district clerk will assign all cases and proceedings arising out of a bankrupt estate to the district judge to whom the case was first assigned. If there is no prior assignment, the district clerk will assign the matter under LR 83.11.

(4) If the assigned judge believes that a bankruptcy case is one of unusual complexity, then, with the consent of the assigned judge, the chief judge may reassign to other judges of this court by random draw subsequent cases, motions to withdraw the reference under 28 U.S.C. § 157(d), proceedings withdrawn under 28 U.S.C. § 157(d), and appeals under 28 U.S.C. § 158, arising from that bankruptcy case for the purpose of docket efficiency and to expedite the resolution of such matters. In such a case, the following case management guidelines apply:

(A) In motions and appeals, expedited briefing schedules should be ordered.

(B) Oral argument should be allowed, unless the court finds explicitly that oral argument will delay or inhibit the decision.

(C) The order or opinion deciding motions and appeals should be filed within 28 days of oral argument.

COMMENT: If multiple matters are reassigned under (e)(4), the chief judge will consider whether each subsequent matter should be treated as a companion case and reassigned under the companion case rule in LR 83.11(b)(7).